



April 28, 2020

Administrator Meagan Wolfe
Wisconsin Elections Commission
PO Box 7984
Madison, WI 53707-7984

Dear Administrator Wolfe,

The weeks leading up to the planned Wisconsin Spring General and Presidential Primary Elections on Tuesday, April 7 were anything but normal. And while we recognize that the situation and many of the problems were beyond the scope of the Wisconsin Elections Commission's (WEC) control, our constituents who were disenfranchised for a number of reasons deserve answers.

The COVID-19 pandemic and subsequent Safer at Home order have made going nearly anywhere without proper equipment and precautions unnecessary and potentially dangerous for many. Many state and local leaders, including more than 100 clerks around the state, called for the election to be postponed as it was by the 12 other states with elections around the same time. The decision by Republican leadership to not act in advance and successfully appeal to the Wisconsin State Supreme Court to overturn Governor Evers order postponing the election, put voters in the position of having to risk their health or not vote. In the weeks leading up to the April election, it was clear that in addition to the public health risks of in-person voting, there would likely be problems administering an election with a massive surge in mail balloting requests and insufficient staff and resources to accommodate this.

After much confusion and partisan games, in-person voting did unfortunately take place on April 7. However, many voters in Wisconsin sought to vote by mail in order to maintain social distancing measures and protect the public health while also exercising their rights. The surge in absentee ballot requests and the confusion surrounding the election led to many irregularities and issues that we ask be investigated and addressed.

The following are some of the most glaring issues surrounding the election on April 7:

- Hundreds of ballots were found at a USPS facility in Milwaukee. The undelivered ballots had been sent to voters by their clerks but never received. No legal recourse was available to those whose ballots were lost beyond voting in person – something many felt to be unsafe– and they were effectively disenfranchised due to the error.
 - This includes the ballot of the Assembly Democratic leader, Rep. Gordon Hintz. In a conversation with you prior to the April 7 election, you indicated that it was unlikely that his ballot could have been requested on March 24, received March 24, processed March 24, and sent March 24 – all on the same day. For the record, Rep. Hintz says he requested his ballot online on Sunday evening, March 22.



- Hundreds if not thousands of ballots around the state that were requested around the timeframe of March 20-24 were never sent or never received by voters who requested them despite the confirmation provided through the WEC website that they were sent. This is the same timeframe of the requested ballots found in the USPS tubs, primarily from Oshkosh or Appleton voters.
- Many voters requested their ballots within the legal timeframe but did not receive them in the mail on time to guarantee that they could be filled out and postmarked by 8 PM on April 7. Further, if a ballot was postmarked on or before April 7 but was not received by Monday, April 13, then it was not counted.
- Numerous clerks have reported that ballots were being delivered with odd marks or without a dated postmark on them at all despite the likelihood they were mailed before the United States Supreme Court (SCOTUS) imposed April 7 deadline. We read your recent comment to the press that due to the SCOTUS decision, it was unlikely that any of these un-postmarked ballots would be counted, even if they were clearly mailed before the April 7 deadline and received before Monday, April 13.
- A judicial opinion stated that ballots could be sent without a witness signature for the April election only and still be counted. A subsequent judicial order overturned that ruling and said that voters who sent their ballots without witness signatures between the two orders would not have their votes counted.

In all of the above cases, a system to ensure that all citizens could participate in the electoral process was not fully guaranteed. This was through no fault of those that tried to participate by mail and were unable or those who felt unsafe participating in person. We believe that this election should have been delayed and that the rest of the elections in calendar year 2020 should be vote by mail only. At the very least, we look forward to working with the WEC and the legislature to do whatever is needed in advance to prepare for an election where millions of people plan to vote absentee by mail.

Understanding that an investigation was ordered by a meeting of the Elections Commission, we the undersigned support launching a full, official investigation into this election due to the widespread nature of the issues reported, and so we can provide our constituents with some answers as to why they were unable to vote in this election. In addition to finding out answers to the irregularities described by the various examples above, we believe specific answers are owed to the public on what happened to their ballot, whether it was counted or not, and how many voters were disenfranchised by these problems and subsequent court decision that suppressed the vote. These include:

- As of April 16, 155,607 absentee ballots (12% of total) requested have not been returned.
 - What happened to those 155,607 absentee ballots?
 - Does the number requested include ballots that were later cancelled due to in-person voting?
 - How many total ballots were returned by voters before April 13?
 - How many total ballots that were received before April 13 were not counted?
 - How many total ballots were returned by mail without a correct dated postmark?
 - How many total ballots were returned on April 8 without a correct dated postmark?



- How many voters were unable to have their ballots counted as a result of Wisconsin Republicans and the Republican National Committee’s successful appeal to the SCOTUS?
- How many blank ballots were found in the “three tubs” discovered at a USPS regional distribution facility?
- Will the voters whose ballots were found at the USPS be notified that their ballot was found?
- Will the voters whose ballots were mistakenly not postmarked and received by April 13 be notified that their vote was not counted?

Getting answers on the problems highlighted in this letter, and getting answers to the public on whether their vote was counted or not, is essential to restoring trust in our election system. In addition, it will be crucial to ensure that future elections during the COVID-19 pandemic are able to handle the large number of absentee ballots expected. We have constituents who are still asking what happened to their ballot and/or whether it was counted or not. Without confirmation, these voters will be left wondering whether they voted or be without an explanation for why they couldn’t vote. Since we have these ballots, we would hope we could fulfill the requests included in this letter.

We ask that you please investigate these issues reported with mail-in voting now, so that things run much more smoothly in August and November. Whether or not we implement a Vote by Mail system, we must be prepared for a historic number of absentee ballots because of the unique, public health crisis we will likely still be faced with in August and November.

Additionally, please let us know the extra resources the Wisconsin Elections Commission will need in order to guarantee that the remaining 2020 elections are administered safely and successfully. We will do everything in our power to make sure that every voter is able to cast a ballot in whatever manner they choose during the rest of the year and in future elections.

Thank you for your prompt attention to this request.

Sincerely,

Representative Gordon Hintz

Representative Dianne Hesselbein

Representative Mark Spreitzer

Representative Steve Doyle

Representative Evan Goyke

Representative David Crowley



Representative Amanda Stuck

Representative Melissa Sargent

Representative Daniel Riemer

Representative Lakeshia Myers

Representative Jodi Emerson

Representative Don Vruwink

Representative Lisa Subeck

Representative Greta Neubauer

Representative Tod Ohnstad

Representative Sondy Pope

Representative Robyn Vining

Representative Beth Meyers

Representative Tip McGuire

Representative Marisabel Cabrera

Representative Shelia Stubbs

Representative Nick Milroy

Representative JoCasta Zamarripa

Representative Jimmy Anderson



STATE REPRESENTATIVE
GORDON HINTZ

WISCONSIN STATE ASSEMBLY

54th DISTRICT

Representative Jonathan Brostoff

Representative Gary Hebl

Representative Katrina Shankland

Representative Christine Sinicki

Representative Kalan Haywood

Representative Jill Billings

Representative David Bowen

Representative Dave Considine

Representative Chris Taylor

Representative Debra Kolste